

Charles R. Diard Jr.  
Clerk, U.S. District Court  
113 SAINT JOSEPH ST  
MOBILE AL 36602-3606

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September 10, 2009

**Appeal Number: 09-13207-HH**

Case Style: Oscar L. Davis v. Compass Bank  
District Court Number: 08-00560 CV-CG-C

TO: Charles R. Diard Jr.

CC: Oscar L. Davis

CC: Norman M. Stockman

CC: David P. Stevens

CC: Administrative File

**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

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The enclosed certified copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4. Pursuant to 11th Cir. R. 42-2(c) and 42-3(c), when an appellant fails to timely file or correct a brief or record excerpts, the appeal shall be treated as dismissed on the first business day following the due date. This appeal was treated as dismissed on September 2, 2009.

Counsel and pro se parties are advised that pursuant to Fed.R.App.P. 25(a)(2)(A), a motion to set aside the dismissal and remedy the default "is not timely unless the clerk receives the papers within the time fixed for filing." See 11th Cir. R. 42-2(e), 42-3(e).

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Joe Caruso (404) 335-6177

Encl.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

No. 09-13207-HH

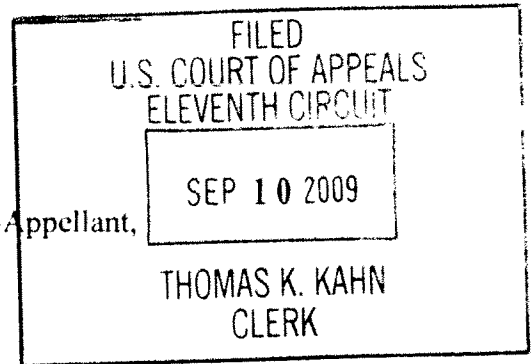
OSCAR L. DAVIS,

Plaintiff-Appellant,

versus

COMPASS BANK, ET AL.,

Defendants-Appellees.



Appeal from the United States District Court for the  
Southern District Of Alabama

ENTRY OF DISMISSAL

Pursuant to 11th Cir.R.42-2(c), this appeal is hereby dismissed for want of prosecution because appellant has failed to file an appellant's brief and record excerpts within the time fixed by the rules, effective this 10th day of September, 2009.

THOMAS K. KAHN  
Clerk of the United States Court  
of Appeals for the Eleventh Circuit

By: Joe Caruso  
Deputy Clerk

FOR THE COURT - BY DIRECTION

**A TRUE COPY - ATTESTED:  
CLERK U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT**

**BY**

**DEPUTY CLERK  
ATLANTA, GEORGIA**

ORD-40